

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

JAMES R GILLETTE,

No C 08-3485 VRW

Plaintiff,

ORDER TO SHOW CAUSE

v

ALAMEDA COUNTY SHERRIFF'S
DEPARTMENT, CALIFORNIA,
CHRISTOPHER MELENDEZ, MICHAEL
LADNER and ALAMEDA COUNTY,

Defendants.

On June 24, 2008, James R Gillette filed a complaint in the Alameda County superior court alleging violations by defendants of various federal and state laws. Doc #1 at 10-11. On July 21, 2008, defendants Alameda County, Christopher Melendez and Michael Ladner (collectively, "Alameda defendants") removed the matter to this court. Doc #1 at 1. The Alameda defendants filed a motion to dismiss on July 24, 2008; the motion was served on Gillette by mail on July 24, 2008. Doc #4 at 7. On July 31, 2008, the clerk filed a notice scheduling the hearing on the motion to dismiss for October 9, 2008 at 2:30 pm. Doc #5. The clerk's notice was served

1 on Gillette by mail on July 31, 2008. Doc #6.

2 Gillette's opposition to the motion to dismiss, if any,
3 was due not later than September 18, 2008. See Civil L R 7-3(a).
4 Gillette has filed no opposition to the motion.

5 Accordingly, the October 9, 2008 hearing on the motion to
6 dismiss is VACATED and Gillette is ORDERED TO SHOW CAUSE in writing
7 not later than October 9, 2008 why this case should not be
8 dismissed for failure to prosecute. FAILURE TO RESPOND BY OCTOBER
9 9, 2008 WILL RESULT IN DISMISSAL OF THIS ACTION WITHOUT PREJUDICE.

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11 IT IS SO ORDERED.

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14 VAUGHN R WALKER
15 United States District Chief Judge
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